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EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/839,817

Applicant(s)

LIN, YUN-TING

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 16 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This communication is responsive to Amendment A, filed 2/16/2004.
2. Claims 1-20 are pending in this application. Claims 1, 13 are independent claims. In the Amendment A, Claims 1-16 and 18-20 were amended. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

Claims 1, 2, 3, 4, 7, 8, 9, 11, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Hernandez (Database Design for Mere Mortals).

In regards to claim 1, Klosterman teaches a method of automatically generating a list of favorite media selections of a user of a media presentation device offering a plurality of media selections, comprising: recording for each of a plurality of selections a total that each of the plurality of selections have been selected on the media presentation device over a particular period of time, wherein recording includes: for each occurrence of selecting one of the plurality of selections over the particular period of time at least recording in a first table entries of a start time, an end time and a corresponding selection identification number, wherein a total time per occurrence corresponds to a difference between the end time and the start time and deleting from

the first table entries that no longer occur within the particular period of time (i.e. "The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep track of a user's most watched channels, and each week, the system may automatically order the channels on the user's guide screen, typically the channels that the user watches most will be listed first." Column 11, Line 45 – 54); and generating from the entries of the second table a favorite selection list, the favorite selection list including up to N selections of the plurality of corresponding to those most frequently selected as determined from the recorded cumulative total time each of the plurality of selections has been selected over the particular period of time, wherein N is a predetermined number of selections to be included on the favorite selection list (i.e. "The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep track of a user's most watched channels, and each week, the system may automatically order the channels on the user's guide screen, typically the channels that the user watches most will be listed first." Column 11, Line 45 – 54).

Klosterman does not teach periodically referencing the first table to perform at least one of generating and updating a second table wherein the at least one of generating and updating the second table includes consolidating entries of the first table per selection to calculate a cumulative total time for each of the plurality of selections that have been selected over the particular period of time and recording at least each cumulative total

time as an entry of the second table and deleting entries of the first table that were used to calculate the cumulative total time entries of the second table. Hernandez teaches, "In some instances, a table contains more than one set of the type of duplicate fields just described. Fortunately, each set of duplicate fields is resolved in the same manner. Figure 7-19 shows such a table. In the SALES INVOICES table, the fields Item 1, Item 2, and Item 3 constitute one set of duplicate fields, and the fields Quantity 1, Quantity 2, and Quantity 3 constitutes another set of duplicate fields. Remove the field Item 1, Item 2, and Item 3 and consolidate them into one field called Item; use Item as a replacement for these three fields. Then remove the fields Quantity 1, Quantity 2, and Quantity 3 and consolidate them into one field called Quantity; use Quantity as a replacement for these three fields. Now you can enter as many items as you need for each "Sales Invoice." When you're done, your table should look like the one shown in Figure 7-20. " (Page 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Klosterman with the teachings of Hernandez and include two separate tables, one for gathering data and one for summarizing it, with the motivation reduce the total size needed to hold data.

In regards to claim 2, Klosterman and Hernandez disclose all of the limitations of claim 1. Klosterman further teaches a method wherein the media presentation device includes at least one of a television, a radio, a music compact disc player, and a computer (i.e. "The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep

track of a user's most watched channels, and each week, the system may automatically order the channels on the user's guide screen, typically the channels that the user watches most will be listed first." Column 11, Line 45 – 54). Klosterman discloses his invention in a television, which is a type of media presentation device. However any applicable media representation device would be sufficient to utilize the teachings of Klosterman and Hernandez.

In regards to claim 3, Klosterman and Hernandez disclose all of the limitations of claim 1. Klosterman further teaches a method wherein the recording entries of the start time, the end time, and the corresponding selection identification number in the first table further includes recording a corresponding date for the occurrence of selecting the one of the plurality of selections during the particular period of time (i.e. "The system may keep track of a user's viewing habit by storing such information in the database using, for example, a capture utility that functions like a stopwatch by channel to determine viewing time. This in turn allows the system to keep track of a user's most watched channels, and each week, the system may automatically order the channels on the user's guide screen, typically the channels that the user watches most will be listed first." Column 11, Line 45 – 54).

In regards to claim 4, Klosterman and Hernandez disclose all of the limitations of claim 3. Although Klosterman does not specifically mention coupling a time-keeping device to the media representation device for providing the start time and end time, it is inherent in the invention that since you are inputting data into a database relating to the

times the program that is being watched, that you have a time keeping device within the system.

In regards to claim 7, Klosterman discloses that the plurality of selections comprise a plurality of television channels (Column 11, Line 49).

In regards to claims 8, 9, and 11, based on the rejection for claim 2, it is inherent in Klosterman's invention that a plurality of selections comprise a plurality of respecting media channels.

Claim 13 is the same context as claim 1; therefore it is rejected under similar rationale.

Claim 14 is the same context as claim 2; therefore it is rejected under similar rationale.

Claim 16 is the same context as claim 3; therefore it is rejected under similar rationale.

Claims 5, 6 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Hernandez in view of applicant's admitted prior art.

In regards to claim 5, Klosterman and Hernandez teach all of the limitations of claim 1, but they lack a method of further comprising: referencing wherein the favorite selection list in response to receipt of a scan command by the media presentation device and scanning through the N selections on the favorite selection list, pausing briefly at each of the N selections during scanning through the N selections, until the

scan command is discontinued. However the inventor discloses in the description of related art that it is possible to scan through the "favorite list" option, stopping at each particular channel for several seconds (Page 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that teaching and modify Klosterman and Hernandez to have a scan option for the favorite list, in order to assist the user in picking out a channel that they are interested in watching.

In regards to claim 6, Klosterman and Hernandez disclose all the limitations of claim 1, but they lack an ability to add and delete channels from the guide, or the favorite list. However the applicant discloses in the description of related art, that it is possible to designate channels as favorites therefore having the ability to add and delete channels from the favorite list (Page 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that teaching and modify Klosterman and Hernandez to include the ability of adding and deleting channels from the guide with the motivation to provide the user with more flexibility on what his favorite channels are.

Claim 18 is in the same context as claim 5; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 6; therefore it is rejected under similar rationale.



Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) and Hernandez in view of Kiyoura et al (US 4841506).

In regards to claim 10, Klosterman and Hernandez discloses all the limitations of claim 9 but lacks the limitation of employing a favorite selection list to influence a random play feature of the media presentation device to present the music selection on the favorite selections list more frequently than music not on the favorite selection list. Kiyoura teaches in his invention, "disks and selections more in accordance with the user's preference are played more frequently" (Abstract, Line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Kiyoura's teaching and modify Klosterman and Hernandez to include a feature that would play things that the user listened to most often in greater frequency in order to give the user a more pleasurable listening experience.

Claim 15 is in the same context as claim 10; therefore it is rejected under similar rationale.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Hernandez in further view of Bedard (US 5801747).

In regards to claim 12, Klosterman and Hernandez teach all the limitations of claim 1. They do not teach a method wherein the favorite selection list further includes

selections from entries of the second table that are added to the favorite selection list only if the cumulative total time that the selection has been selected during a sampling period exceeds a threshold, wherein the threshold is on the order of greater than 10 hours. Bedard teaches, "The viewer profile will thus only consider significant those viewing periods longer than one viewing unit. One skilled in the art will understand that the time duration represented by one viewing unit can be varied (e.g., 1 minute, 5 minutes, 10 minutes, etc.), but illustratively, and for the purpose of describing the present invention, one viewing unit will be defined as fifteen minutes in duration. Therefore, only viewing durations longer than one viewing unit, or fifteen minutes, will be considered in determining the viewer's preferred categories of television programming and preferred channels" (Column 4, Line 5-15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Klosterman and Hernandez to include a method of adding entries in the favorite list after a certain period of time, with the motivation to provide for better determination of what channels are the user's "favorites".

Claim 20 is in the same context as claim 12; therefore it is rejected under similar rationale.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et. al. (US 6078348) and Hernandez in view of Tanaka (US 5617571).

In regards to claim 17, Klosterman and Hernandez teaches all the limitations of claim 13. Klosterman does not teach the limitation of having a time keeping device

with a timer and a clock. Tanaka teaches "The CPU, the ROM , the RAM , and the clock timer constitute a main microcomputer for a television." (Column 5, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Klosterman and Hernandez with Tanaka to include a clock timer (i.e. timer and clock) with the motivation to provide for having the ability to time something and figure out when to take a certain action.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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